

REMARKS

In the Office Action, the Examiner allowed claim 31, rejected claims 1-8 and 36-40, and objected to claims 14-19 due to a misspelling. However, the Examiner indicated that claims 14-19 would be allowable upon correcting the misspelling. With respect to this Response, Applicants hereby amend claims 1, 14, 36, 37, and add new claims 41-43. These amendments and new claims do not add any new matter. Upon entry of the amendments, claims 1-8, 14-19, 31, and 36-43 will be pending in the present patent application. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Objections

In the Office Action, the Examiner objected to claim 14 based on a misspelling of "valve" as "vale." By this paper, the Applicants hereby amend claim 14 to correct the spelling error in claim 14. In view of this correction, the Applicants respectfully request allowance of claims 14-19.

Rejections under 35 U.S.C. § 102

In the Office Action, claims 1-6, 8, 36, and 39 were rejected under 35 U.S.C. § 102(b) as anticipated by Clinton (U.S. Patent No. 2,666,479; hereinafter "Clinton") and claims 1-6, 8, and 36-40 were rejected under 35 U.S.C. 102(b) as being anticipated by Miller (U.S. Patent No. 2,709,446, hereinafter "Miller").

Applicants, however, respectfully assert that the pending claims are not anticipated by Clinton, because the pending claims recite features not disclosed by this cited reference. As will be appreciated, anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *See Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir.1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single

reference. See *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir.1990). Moreover, for anticipation, the cited reference must not only disclose all of the recited features but must also disclose the *part-to-part relationships* between these features. See *Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 486 (Fed. Cir. 1984). In other words “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Thus, the prior art reference must show the *identical invention* “in as complete detail as contained in the ... claim” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element or claimed relationship not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. A *strict correspondence* between the claimed language and the cited reference must be established for a valid anticipation rejection.

As will also be appreciated, during patent examination, the pending claims must be given an interpretation that is reasonable and consistent with the specification. See *In re Prater*, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *In re Morris*, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); see also M.P.E.P. § 2111 (describing the standards for claim interpretation during prosecution). Indeed, the *specification* is “the primary basis for construing the claims.” See *Phillips v. AWH Corp.*, No. 03-1269, -1286, at 13-16 (Fed. Cir. July 12, 2005) (citations omitted). It is usually dispositive. See *id.* Interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. See *In re Cortright*, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); see also M.P.E.P. § 2111. That is, recitations of a claim must be read as they would be interpreted by those of ordinary skill in the art. See *Rexnord Corp. v. Laliram Corp.*, 60 U.S.P.Q.2d 1851, 1854 (Fed. Cir. 2001); see also M.P.E.P. § 2111.01. In summary, an examiner, during prosecution, must interpret a claim recitation as one of ordinary skill in the art would reasonably interpret the claim in view of the specification. See *In re American Academy of Science Tech Center*, 70 U.S.P.Q.2d 1827 (Fed. Cir. 2004).

Moreover, for anticipation, an examiner must ensure that if a claimed feature is not expressly disclosed in a cited reference, it must then be *necessarily* present in the thing described in the cited reference. *See In re Robertson*, 49 U.S.P.Q.2d 1949 (Fed. Cir. 1999). The mere fact that a certain *may* result from a given set of circumstances is not sufficient. *See id.*

First Rejection Under Section 102

In the Office Action, claims 1-6, 8, 36, and 39 were rejected under 35 U.S.C. § 102(b) as anticipated by Clinton.

Omitted Features from Independent Claim 1

The Applicants submit that the Examiner's rejection of independent claim 1 is improper since the prior art reference that is used to reject the claim does not show each and every element recited by the claim. For example, independent claim 1 recites "a lever mutually exclusively securable to pivot about a first portion of the torch or alternatively a second portion of the torch butt." (Emphasis added). For example, in certain embodiments as depicted in Figs. 7 and 8 of the present Application, the lever 38 is securable to either a top or bottom portion of the torch butt, i.e. elements 80 or 86 respectively, depending on whether the lever 38 is positioned on the top or bottom of the torch butt. Accordingly, once reversed from either position, the lever is securable to pivot about one point, but not the other.

In contrast, Clinton does not disclose "a lever mutually exclusively securable to pivot about a first portion of the torch butt or alternatively a second portion of the torch butt." (Emphasis added). In the Clinton reference, the hand lever 21 is always secured via the same two pins 33 and 34, inserted into openings 49 and 50 respectively. *See*, Clinton, col. 4, lines 45-75, Figs. 2 and 5. In other words, the hand lever 21 is never

mounted via pin 33 excluding pin 34 or, alternatively, via pin 34 excluding pin 33. *See id.* Even if the mounting position of the handle lever 21 is hypothetically changed, these same two pins 33 and 34 are required for the links and arms (e.g., 37 and 38) to operate in the disclosed manner. *See id.* Thus, the Clinton reference fails to teach or suggest each and every feature of claim 1.

For at least these reasons, Applicants respectfully assert that Clinton does not anticipate independent claim 1 and its respective dependent claims 2-8. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 1-8.

Omitted Features from Independent Claim 36

The Applicants submit that the Examiner's rejection of independent claim 36 is improper since the prior art reference that is used to reject the claim does not show each and every element recited by the claim. For example, independent claim 36 recites a "a valve body having a first inlet configured to receive a fuel, a second inlet configured to receive a fluid, a passageway configured to pass the fluid, and a valve passage extending crosswise through the valve body relative to a longitudinal axis of the valve body; a valve assembly disposed in the valve passage and including a valve operable to control a flow of the fluid through the passageway in the valve body." (Emphasis added).

In contrast, Clinton fails to disclose "a valve passage extending crosswise through the valve body relative to a longitudinal axis of the valve body." Clinton discloses a central bore 24 extending lengthwise (not crosswise) along the torch 10 relative to a longitudinal axis. *See* Clinton, col. 3, lines 44-46. Similarly, the cylindrical rod 23 extends lengthwise (not crosswise) along the torch 10 inside the central bore 24. *See* Clinton, col. 3, lines 39-46. Accordingly, Clinton does not teach or suggest each and every feature of claim 36.

For at least these reasons, Applicants respectfully submit that Clinton does not anticipate independent claim 36 and its respective dependent claims 37-40. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 36-42.

Second Rejection Under Section 102

In the Office Action, claims 1-6, 8, and 36-40 were rejected under 35 U.S.C. § 102(b) as anticipated by Miller.

Omitted Features from Independent Claim 1 and 36

The Applicants submit that the Examiner's rejection of independent claims 1 and 36 is improper since the prior art reference that is used to reject the claims does not show each and every element recited by the claims. For example, independent claim 1 recites "a lever mutually exclusively securable to pivot about a first portion of the torch butt or alternatively a second portion of the torch butt." (Emphasis added). Similarly, independent claim 36 recites "a lever selectively securable to a first portion of the valve body or a second portion of the valve body opposite the first portion." (Emphasis added).

In contrast, Miller teaches only one pin 65 for pivotal connection with lever 64. See Miller, Figs. 2 and 3; col. 3, lines 45-54. Specifically, Miller discloses a split handle 62 design, which enables the entire handle 62 including the lever 64 to be moved without any change to the lever 64. See Miller, Figs. 2 and 3; col. 3, lines 55-70. In other words, the lever 64 always remains attached to the single pin 65. See *id.* Miller does not teach or suggest "a lever mutually exclusively securable to pivot about a first portion of the torch butt or alternatively a second portion of the torch butt," as recited in claim 1. (Emphasis added). Nor does Miller disclose "a lever selectively securable to a first portion of the valve body or a second portion of the valve body opposite the first portion," as recited in claim 36. (Emphasis added). Consequently, the Miller reference fails to teach or suggest each and every feature of claims 1 and 36.

For at least these reasons, Applicants respectfully assert that Miller does not anticipate independent claims 1 and 36 and their dependent claims 2-8 and 37-40, respectively. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 1-8 and 36-40.

Rejections under 35 U.S.C. § 103

In the Office Action, claim 7 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Clinton and Dimock et al. (U.S. Patent No. 5,571,427; hereinafter "Dimock"), and as being obvious in view of Miller and Dimock. Applicants, however, respectfully assert that dependent claim 7 is patentable at least by virtue of its dependence on allowable base claim 1. Keeping in mind the foregoing arguments regarding Clinton and Miller, Applicants respectfully assert that Dimock does not obviate the deficiencies of the primary references. Accordingly, Applicants respectfully assert that dependent claim 7 is patentable not only by virtue of its dependence on independent claim 1, but also by virtue of the additional features recited therein. For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent claim 7.

New Claims

As noted above, the Applicants hereby add independent claim 41 and its dependent claims 42 and 43. These new claims do not add any new matter. The Applicants stress that Clinton does not disclose a "valve member is reversible relative to opposite ends of the valve passage." (Emphasis added). Instead, the cylindrical rod 24 has a tapered forward end 26, which engages a conical seat portion 24' of the central bore 24 in only one orientation of the rod 23. See Clinton, Fig. 2; col. 3, lines 44-53. Moreover, the Applicants stress that Miller fails to teach or suggest a torch, a combustion tip, and a fuel inlet as recited by new claim 41. Thus, these references, taken alone or in hypothetical combination, fail to teach or suggest the features of new claim 41. The Applicant also stress that the cited references teach different principles of operation,

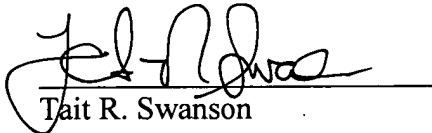
which would not function as intended if hypothetically combined with one another. For at least these reasons, the Applicants submit that the new claims are in condition for allowance.

Conclusion

If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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